

correctly enrolled and have this day, at 11:20 o'clock a. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,

Austin, Texas, April 30, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 5, A bill to be entitled "An Act making appropriation to pay salaries of judges, and the support of the Judicial Department of the State Government for the two years, beginning September 1, 1923, and ending August 31, 1925; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute for House Bill No. 5 do pass, and, being the same as S. B. No. 7, be not printed.

WOOD, Chairman.

TWELFTH DAY.

Senate Chamber,

Austin, Texas

Tuesday, May 1, 1923.

The Senate met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Ridgeway.
Burkett.	Rogers.
Clark.	Strong.
Cousins.	Thomas.
Darwin.	Turner.
Doyle.	Watts.
Floyd.	Wirtz.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

Absent—Excused.

Davis.	Stuart.
Fairchild.	Witt.
Rice.	

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

(See Appendix for committee reports, petitions and memorials).

Excused.

Senators Davis and Stuart for yesterday and today, on account of important business, on motion of Senator Baugh.

Senator Fairchild for today, on account of important business, on motion of Senator Doyle.

Senator Rice for today, on account of important business, on motion of Senator McMillin.

Bills on First Reading.

The following bills, introduced today, were each read first time and referred to appropriate committees as follows:

By Senators Holbrook, Strong, Bledsoe, Wirtz, Bowers, and Baugh:

S. B. No. 42, A bill to be entitled "An Act to make it unlawful for any political party in this State to hold a primary election for the nomination of a candidate for the office of a judge of any district court, criminal district court, Court of Civil Appeals, Court of Criminal Appeals or Supreme Court of Texas, and prohibiting the placing of the name of any person nominated in whole or in part for either of said officers in a primary election on the official ballot at any general election; providing the manner and mode of certifying the names of the nominees of any political party; repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

To the Committee on Privileges and Elections.

By Senator Bowers:

S. B. No. 43, A bill to be entitled "An Act amending Article 3089 of the Revised Civil Statutes of Texas, of 1911, by adding a new section to be numbered Article 3089a, requiring judges, clerks and supervisors of primary elections to see that none but persons qualified shall participate in party primaries, and empowering judges, clerks and supervisors

to conduct examinations into the qualifications and rights of voters to participate in party primaries, and providing that such examinations may be conducted under oath, and empowering such judges, clerks and supervisors to administer oath to such voters."

To the Committee on Privileges and Elections.

By Senator Bowers:

S. B. No. 44, A bill to be entitled "An Act amending Article 3093 of the Revised Civil Statutes of the State of Texas, of 1911, by adding a new section following such article to be numbered Article 3093a; providing that any qualified elector under the laws and Constitution who is a Democrat shall be eligible to participate in Democratic primaries, but, declaring that in no event shall a negro participate in a Democratic primary in the State of Texas and declaring ballots cast by negroes as void."

To the Committee on Privileges and Elections.

By Senators Rogers, Ridgeway, Darwin and Holbrook:

S. B. No. 45, A bill to be entitled "An Act regulating motor trucks and jitney lines operating for hire on public roads and authorizing street, suburban and interurban railway companies to operate motor trucks or jitney lines for transportation of passengers for hire in incorporated cities and towns subject to regulation by such cities or towns and within five miles thereof under regulation by commissioners' court of the county, and declaring an emergency."

To the Committee on State Affairs.

By Senator Darwin:

S. B. No. 46, A bill to be entitled "An Act providing for the collection of delinquent taxes of levee improvement districts; providing a method of procedure therefor; and providing that same shall take effect and be in force from and after January 1, 1924; and declaring an emergency."

To the Committee on State Affairs.

By Senator Holbrook:

S. B. No. 47, A bill to be entitled "An Act to amend Article 7012½y, Revised Civil Statutes of the State of Texas, fixing the compensation of county tax collectors, for the collec-

tion of license fees on motor vehicles, tractors, and trailers; exempting said fees from fee bill; repealing all laws in conflict herewith, and declaring an emergency."

To the Committee on State Affairs.

By Senator Ridgeway:

S. B. No. 48, A bill to be entitled "An Act making it unlawful for any person, firm or corporation to sell, or offer for sale for human consumption any milk which has been so treated by any artificial means or process, as to cause same to have the appearance of containing more cream or butter fat than it actually contains and providing appropriate penalty for the violation thereof and declaring an emergency."

To the Committee on Criminal Jurisprudence.

S. C. R. No. 13.

By Senator Wood:

Whereas, The Constitution of the United States of America guarantees to the several states, representation in the Congress of the United States, based upon the population of states, such population fixed and determined by a census which the constitution of the United States requires shall be taken every ten years; and

Whereas, Based upon the census of 1910, Congress passed an Apportionment Act, which became effective March 4th, 1913, for a ten year period, and in that Act the number of representatives in the Lower House of Congress was fixed at four hundred thirty-five and eighteen were allotted to Texas; but, since that time there has been another census taken to-wit: The census of 1920, and no new Apportionment Act has been passed by Congress, and the Congressional Record, based upon the official census of 1920, shows the representative population of the United States to be 105,371,598, and the representative population of Texas, to be 4,663,228; for the 68th Congress four hundred thirty-five members having been certified, no new apportionment having been made based on the census of 1920. The present, or 68th Congress, came into existence on March 4th, 1923, the term to which Honorable E. W. Cole was elected. The membership of the House has not been changed,

and still remains, four hundred thirty-five. The population of the United States has changed, and the proportion which the population of Texas bears to the representative population of the whole United States, entitles this State to nineteen representatives in the Lower House of Congress. The Constitution of the United States gives to each State, the right to equal representation, based upon the last census, and the taking of that census every ten years is mandatory under the Constitution, and the Congress of the United States can not by merely failing to act, deny the State its proper representation in that body; and

Whereas, The Honorable E. W. Cole, of Austin, Texas, submitted his name to the primary election of his party in 1922, was approved by the Executive Committee of his party, and voted on in the general primary election in July of that year, having received practically the unanimous vote of the party in that primary; and subsequent thereto the Governor of Texas, issued his proclamation calling for the election of a Congressman-at-Large from this State, in the November general election of 1922, and the name of the said Honorable E. W. Cole was included on the ballot as a candidate for the place of Congressman-at-Large from Texas, he being the nominee of the Democratic Party, and the name of Honorable Herbert Peairs was included on that ballot as the representative candidate for the Republican Party and in said general election of 1922 the Honorable E. W. Cole received 265,317 votes and the Honorable Herbert Peairs receive 46,048 votes, and the said Honorable E. W. Cole was thereby duly elected as Congressman-at-Large from the State of Texas, and the Election Board of the State of Texas so declared, and the Governor of Texas has signed, issued and delivered a certificate of election to the said E. W. Cole as Congressman-at-Large from Texas; therefore be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that the House of Representatives of the United States Congress, be, and it is hereby petitioned and asked by the Legislature of Texas, to grant to this State, the right to be represented in the Lower House of National Congress, by nineteen members, and that the Honor-

able E. W. Cole, of Austin, Texas, having been duly elected from this State as a Congressman-at-Large, be seated in that Honorable Body.

Resolved Further, That the Chief Clerk of the House of Representatives and the Secretary of the Senate be instructed to certify and deliver a copy of this resolution to the Speaker of the House of Representatives of the Congress of the United States.

The resolution was read, and on motion of Senator Wood, was referred to the committee on Federal Relations.

S. C. R. No. 14.

By Senator Cousins:

Whereas, Under the provisions of House Concurrent Resolution No. 22, approved April 4, 1917, House Concurrent Resolution No. 43, approved March 15, 1919, and House Concurrent Resolution No. 11, filed in the office of the Secretary of State, July 16, 1919 tender of first payment on purchase of the State's iron industry at Rusk, Texas, was made to the Prison Commission on behalf of L. P. Featherstone, the purchaser, on December 31, 1919, and pursuant thereto sale thereof was made to L. P. Featherstone by the Prison Commission, with the approval of the Attorney General and the Governor of Texas, as evidenced by their deed to L. P. Featherstone, dated March 16, 1920; and

Whereas, Said sale was made in consideration of the payment of twenty-eight thousand, one hundred and twenty-five (\$28,125.00) dollars in cash, before delivery of said deed, and the sum of eighty-four thousand three hundred and seventy-five (\$84,375.00) dollars, evidenced by three (3) promissory notes of even date with said deed for the sum of twenty-eight thousand, one hundred and twenty-five (\$28,125.00) dollars each, executed by the said L. P. Featherstone, said notes being due and payable respectively one (1) year, eighteen (18) months, and two (2) years after their date, with interest at six (6%) per cent per annum, and said notes containing provisions for maturity in case of default, and to secure payment of said notes, as well as the performance of the other terms and conditions of said sale, said L. P. Featherstone executed and delivered a bond in the sum of one

hundred thousand (\$100,000.00) dollars in favor of the State of Texas, with the following sureties thereon:

S. G. Burnett, C. T. Heisig, Joe Rosenthal, H. A. Perlstein, Ed Paggi, Hal G. Land, B. A. Steinhagen and Jno. L. Keith, all of Beaumont, Texas; and

Whereas, Said property has been conveyed by L. P. Featherstone to R. S. Collins and W. H. Lantz, receivers of Texas Steel Company; and

Whereas, The said L. P. Featherstone and Ed Paggi are both now dead; and

Whereas, Said property was conveyed by the said L. P. Featherstone before his death to R. S. Collins and W. H. Lantz, receivers of the Texas Steel Company; and

Whereas, Said receivers of said Texas Steel Company and the above named bondsmen are not now prepared to make payment of the above mentioned described indebtedness and will not be at its maturity which will become due on September 16th, 1923, and September 16th, 1924, but the above sureties on said bond have made full payment of said first mentioned note, together with all interest thereon as well as the interest on the two notes which are yet unpaid; and

Whereas, The said receivers of the Texas Steel Company and the said sureties on the said L. P. Featherstone deceased's note or bond have expressed desire owing to the extreme business depression and financial stringency at present prevailing, and because of lack of labor to operate the steel industry, to have the maturity of the 2nd and 3rd notes above described extended for a period of two years so that the 2nd of said notes will mature on September 16th, 1924, and the 3rd of said notes will mature on September 16th, 1925; and, therefore, be it

Resolved, By the Senate of the Thirty-eighth Legislature, the House of Representatives concurring, that the Governor and Prison Commission be and are hereby requested and directed to extend the date of maturity of said notes from their present maturity date to September 16, 1924, and September 16, 1925, conditioned upon the prompt payment of all interest upon said notes as same accrues and becomes payable annually, and conditioned further upon the said sureties upon said bond or

note executed and delivered to the Prison Commission an instrument in writing consenting and agreeing to the aforesaid extension; and it being expressly stipulated that the aforesaid extension shall not be granted except on full compliance with the foregoing conditions, and shall not release the sureties on the original obligation, and provided such extension agreement shall be prepared and approved by the Attorney General of the State of Texas.

The resolution was read.

Senator Cousins moved that the resolution be laid on the table subject to call.

On motion of Senator Clark, the resolution was referred to the Committee on Finance.

S. B. No. 8 on Third Reading.

On motion of Senator Wood, by unanimous consent, the regular order was suspended and the Senate took up out of its regular order,

S. B. No. 8. A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them for the two fiscal years beginning September 1, 1923, and ending August 31, 1925, as follows, to-wit: Confederate Woman's Home; State Confederate Home; State Lunatic Asylum; State Pasteur Institute; Southwestern Insane Asylum; North Texas Hospital for the Insane; East Texas Hospital for the Insane; State Epileptic Colony; State Orphan's Home; State Institution for Training of Juveniles; Girls Training School; State Colony for Feeble Minded; State Tuberculosis Sanatorium; Hospital for Crippled Children; Deaf, Dumb and Blind Institute for Colored Youths; Northwest Texas Insane Asylum; State Home for Dependent and Neglected Children; and declaring an emergency."

The Chair laid the bill before the Senate and it was read third time.

Senator Woods offered the following amendment to the bill:

Amend S. B. No. 8 by striking out the following words wherever they occur in the bill: "Except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911."

The amendment was adopted by unanimous consent.

S. B. No. 8 was then finally passed by the following vote:

Yeas—24.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Ridgeway.
Burkett.	Rogers.
Clark.	Strong.
Cousins.	Thomas.
Doyle.	Turner.
Floyd.	Watts.
Holbrook.	Wirtz.
Lewis.	Wood.
McMillin.	Woods.

Absent.

Darwin.

Absent—Excused.

Davis.	Stuart.
Fairchild.	Witt.
Rice.	

S. B. No. 32 on Second Reading.

The Chair laid before the Senate as special order, on its second reading.

S. B. No. 32, A bill to be entitled "An Act making appropriations for the State Government for two years beginning September 1, 1923, and ending August 31, 1925, and for other purposes and prescribing certain regulations and restrictions in respect thereto; and declaring an emergency."

The bill was read second time.

Senator Bailey moved that the bill be considered by departments, and the motion prevailed.

The Executive Department was read and passed.

The Department of State was read.

Senator Bowers offered the following amendment to this department:

Amend S. B. No. 32, page 4, line 7, by striking out the figures "\$2,500.00—\$2,500.00" and inserting in lieu thereof the figures "\$2,250.00—\$2,250.00."

The amendment was adopted.

Senator Floyd offered the following amendment to this department:

Amend S. B. No. 32, page 4, line 5, by striking out the figures "2,750.00—2,750.00" and insert in lieu thereof the figures "2,500.00—2,500.00."

On motion of Senator Wood, the amendment was tabled.

Senator Floyd offered the following amendment to this department:

Amend by striking out the figures "3,000.00—3,000.00" in line 13, page 4, and insert in lieu thereof the figures "2,400.00—2,400.00."

Senator Bowers offered the following substitute for the amendment:

Amend S. B. No. 32, page 4, line 13, by striking out the figures "\$3,000.00—\$3,000.00" and inserting in lieu thereof the figures "\$2,700.00—\$2,700.00."

The substitute was adopted, and the amendment as substituted was adopted.

Senator Bowers offered the following amendment to this department:

Amend S. B. No. 32, page 4, line 11, by striking out the figures "\$1,500.00—\$1,500.00" and inserting in lieu thereof the figures "\$1,350.00—\$1,350.00."

The amendment was adopted.

Senator Bowers offered the following amendment to this department:

Amend S. B. No. 32, page 4, line 15, by striking out the figures "\$1,500.00—\$1,500.00" and inserting in lieu thereof the figures "\$1,350.00—\$1,350.00."

The amendment was adopted.

Senator Cousins offered the following amendment to this department:

Amend S. B. No. 32, page 4, line 14, by striking out the figures "\$1,800.00" and insert "\$2,000.00."

On motion of Senator Doyle, the amendment was tabled.

Senator Floyd offered the following amendment to this department:

Amend S. B. No. 32, page 4, line 25, by striking out the figures "3,500.00—3,500.00" and insert in lieu thereof the figures "3,000.00—3,000.00."

Senator Wood moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—13.

Baugh.	Parr.
Bledsoe.	Ridgeway.
Bowers.	Turner.
Clark.	Watts.
Darwin.	Wood.
Lewis.	Woods.
Murphy.	

Nays—10.

Bailey.	Cousins.
Burkett.	Doyle.

Floyd.
Holbrook.
Pollard.

Strong.
Thomas.
Wirtz.

Absent.

McMillin.

Rogers.

Absent—Excused.

Davis.
Fairchild.
Rice.

Stuart.
Witt.

The Adjutant General's Department was read.

Senator Doyle offered the following amendment to this department:

Amend S. B. No. 32, page 5, line 30, by striking out the figures "\$225,000.00" and insert in lieu thereof the figures "\$200,000.00" in each column.

Senator Parr offered the following substitute for the amendment:

Amend S. B. No. 32 by striking out the figures "\$225,000.00" in each column, line 30, page 5, and insert in lieu of same in each column the figures "\$100,000.00."

On motion of Senator Wood, the substitute was tabled.

On motion of Senator Wood, the amendment was then tabled.

Senator Darwin offered the following amendment to this department:

Amend S. B. No. 32, page 6, line 19, by striking out the figures "\$6,000.00" where they appear and insert in lieu thereof the figures "\$15,000.00" for each year.

The amendment was adopted.

Senator Parr offered the following amendment to this department:

Amend S. B. No. 32 by striking out the word "seventy-five," line 8, page 6, and insert in lieu thereof the word "fifty."

Senator Clark offered the following substitute for the amendment:

Amend S. B. No. 32, page 6, line 8, by striking out "seventy-five" and insert in lieu thereof "one hundred."

On motion of Senator Wood, the substitute was tabled.

Senator Wood moved to table the amendment by Senator Parr.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—14.

Bailey.
Baugh.
Bledsoe.

Rowers.
Clark.
Floyd.

Holbrook.
Lewis.
McMillin.
Pollard.

Ridgeway.
Turner.
Watts.
Wood.

Nays—10.

Burkett.
Cousins.
Darwin.
Doyle.
Murphy.

Parr.
Rogers.
Strong.
Wirtz.
Woods.

Absent.

Thomas.

Absent—Excused.

Davis.
Fairchild.
Rice.

Stuart.
Witt.

Senator Wood offered the following amendment to this department:

Amend S. B. No. 32, Page 5, by striking out lines 28, 29, and 30, and insert in lieu thereof the following:

"For pay, transportation, subsistence and all other expenses of military forces of the State when ordered on duty or when mobilized or when recruited and organizing troops or when ordered on other military duties; providing for the pay, transportation and expenses of officers on active duty, or while serving on military courts and boards; providing for armory and storage facilities and organization; providing for training, organizing, mobilizing, and subsistence, paying and equipping, preparing for muster into and out of Federal service; providing for organizing, maintaining, and equipping school of instructions for officers or enlisted men; providing for books and supplies; providing for necessary clerical assistance and labor in storage room, arsenals, armories and all headquarters, including divisional, brigade, and regimental; providing for the maintenance, upkeep and repairs of roads, picket lines, and buildings at Camp Mabry; providing for the payment of insurance premiums covering property belonging to the State of Texas; providing for transportation of stores and supplies and laundry and repairs of the uniforms and equipment and for hire, purchase transportation and subsistence of animals, and for printing, stationery, postage, telephones, telegraphing, and for the purchase of stores, uniforms, arms, and equipment for the Texas National Guard, and provid-

ing for other necessary expenses
\$225,000.00—\$225,000.00."

The amendment was adopted.

(Senator Murphy in the Chair.)

Senator Wood offered the following amendment to this department:

Amend S. B. No. 32, page 6, line 8, by striking out the word "seventy" and by inserting in lieu thereof the word "fifty."

Senator Wood moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—16.

Bailey.	McMillin.
Baugh.	Pollard.
Bledsoe.	Ridgeway.
Bowers.	Rogers.
Clark.	Thomas.
Floyd.	Turner.
Holbrook.	Watts.
Lewis.	Wood.

Nays—9.

Burkett.	Parr.
Cousins.	Strong.
Darwin.	Wirtz.
Doyle.	Woods.
Murphy.	

Absent—Excused.

Davis.	Stuart.
Fairchild.	Witt.
Rice.	

Senator Burkett offered the following amendment to this department:

Amend S. B. No. 32, page 6, by striking out all the appropriation for the ranger force in lines 8 to 26, inclusive.

Senator Wood moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—17.

Bailey.	Pollard.
Baugh.	Ridgeway.
Bledsoe.	Rogers.
Bowers.	Thomas.
Clark.	Turner.
Floyd.	Watts.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

Nays—8.

Burkett.	Murphy.
Cousins.	Parr.
Darwin.	Strong.
Doyle.	Wirtz.

Absent—Excused.

Davis.	Stuart.
Fairchild.	Witt.
Rice.	

Message from the Governor.

The following message from the Governor was read:

Governor's Office,

Austin, Texas, May 1, 1923.

To the Members of the Thirty-eighth Legislature, Second Called Session.

Gentlemen: In the train of consequences following the development of the automobile and its wide and varied use, as the concurrent result of improved highways, is the response of all classes of our people to the "back to nature" call. Nothing is more conducive to the happiness and contentment of a people, a State's most valuable asset, than for them to go "back to nature," where the bees hum, the birds sing, the brooks ripple, the breezes blow, and the flowers bloom. Here, spending their hours of recreation on blue-bonnetted hills and daisy-decked meadows, in an atmosphere sweet with the perfume of a thousand hues, the old grow young, the sick regain health, and the weary enjoy a quiet rest. The health, welfare, and happiness of the people of Texas is largely enhanced by the number of places within her borders where the people in vacation and leisure periods can go for rest, recreation, and relaxation. Texas, by nature, is rich and radiant in scenic beauty spots peculiarly adapted in climate and environment to out-door life. These primeval and picturesque places of native charm and characteristic beauty are rapidly disappearing before the onward march of cold, consuming commercialism. The places particularly suited for park and picnicking purposes should be preserved not only for the present, but for posterity. These camping and outing places, these rest and recreation resorts, these breathing spots for humanity where the weak, the weary, and the worn are nursed, in the lap of nature, back to health, wealth, and happi-

ness, should be established along our highways, and scattered throughout the State wherever trees grow and water runs.

By the establishment of a system of parks and camping places throughout the State, we will make of Texas the mecca for automobile-tourists, and bequeath to posterity a most valuable legacy.

In keeping, therefore, with the foregoing thought, I recommend that there be created by this Legislature, a State Parks Committee, composed of six members to serve without compensation, said committee to be charged with the duty of soliciting donations of land in tracts large or small, to be converted by said committee into public parks, said committee to be also charged with the duty of investigating and locating tracts of land, large or small, suited for public park purposes, and reporting said findings and all data concerning said tracts of land to each Regular Session of the Legislature to the end that Texas, by either donations of land, or acquisition by purchase of same, may establish, before it is too late to do so, a system of State parks where the rank and file of the people of Texas, and elsewhere, may go and forget the anxieties, the strife, and vexations of life's daily business grind.

Respectfully submitted,

PAT M. NEFF,
Governor.

Simple Resolution No. 20.

By Senators Holbrook, Wirtz and Burkett:

Whereas, The Senate has learned with profound regret of the death of Col. A. D. Mebane, of Lockhart, Texas; and

Whereas, Colonel Mebane devoted his life's work to the betterment of the cotton growing industry, and the result of his work brought to the farmers of Texas many millions of dollars in increased revenue; therefore, be it

Resolved By the Senate of Texas, that in the passing of Colonel Mebane, the cotton growers of the world, and especially those in Texas, have lost one of their most valued members, and that this Senate reveres the memory of Colonel Mebane as one of the most aggressive and real con-

structive farmers in Texas; be it

Resolved Further, That a copy of this resolution be printed in the Journal, and that a copy of same be mailed to deceased's family.

The resolution was read and adopted.

S. C. R. No. 15.

By Senator Cousins:

Whereas, The House of Representatives passed a concurrent resolution inviting the Hon. H. J. Lutcher Stark to address the House and said resolution reached the Senate and was passed by the Senate; and

Whereas, Said H. J. Lutcher Stark has expressed his willingness to be in Austin on Thursday at 11 o'clock a. m., and therefore, be it

Resolved, That the Senate and House hear him at a joint session on said date.

The resolution was read, and on motion of Senator Cousins, was laid on the table subject to call.

Addition to Committee.

On motion of Senator Clark, Senator Darwin was added to the Committee on Public Health.

Recess.

On motion of Senator Wood, the Senate at 12 m. recessed until 2:30 p. m. today.

Afternoon Session.

The Senate at 2:30 p. m. was called to order by Lieutenant Governor T. W. Davidson.

S. B. No. 32 on Engrossment.

(Special Order.)

The Senate resumed consideration of pending business, the same being S. B. No. 32, making appropriations for the support of the various departments of the State Government, with the Department of the Adjutant General pending.

Senator Burkett offered the following amendment to this department:

Amend S. B. No. 32, page 6, line 8, by striking out the words "seventy-five" and insert in lieu thereof the words "twenty-five."

Senator Wood moved the previous question on the amendment and the consideration of the Adjutant General's Department and the motion was lost.

Senator Wood moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—16.

Bailey.	Pollard.
Baugh.	Rice.
Bowers.	Ridgeway.
Clark.	Rogers.
Floyd.	Turner.
Holbrook.	Watts.
Lewis.	Wood.
McMillin.	Woods.

Nays—8.

Burkett.	Parr.
Cousins.	Strong.
Darwin.	Thomas.
Murphy.	Wirtz.

Absent.

Bledsoe.	Doyle.
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Absent—Excused.

Davis.	Stuart.
Fairchild.	Witt.

Senator Burkett offered the following amendment to this department:

Amend S. B. No. 32, page 6, line 16, by striking out the figures "\$9,500.00—\$9,500.00" and insert in lieu thereof the figures "\$6,000.00—\$6,000.00."

Senator Wood moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—16.

Bailey.	Pollard.
Baugh.	Rice.
Bowers.	Ridgeway.
Clark.	Rogers.
Floyd.	Turner.
Holbrook.	Watts.
Lewis.	Wood.
McMillin.	Woods.

Nays—8.

Burkett.	Murphy.
Cousins.	Parr.
Darwin.	Strong.
Doyle.	Wirtz.

Absent.

Bledsoe.	Thomas.
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Absent—Excused.

Davis.	Stuart.
Fairchild.	Witt.

Senator Burkett offered the following amendment to this department:

Amend S. B. No. 32, page 6, line 12, by striking out the figures "\$1,500.00—\$1,500.00" and insert in lieu thereof the figures "\$1,000.00—\$1,000.00."

Senator Wood moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—15.

Bailey.	Pollard.
Baugh.	Rice.
Bowers.	Ridgeway.
Clark.	Rogers.
Floyd.	Turner.
Holbrook.	Watts.
Lewis.	Wood.
McMillin.	

Nays—9.

Burkett.	Parr.
Cousins.	Strong.
Darwin.	Wirtz.
Doyle.	Woods.
Murphy.	

Absent.

Bledsoe.	Thomas.
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Absent—Excused.

Davis.	Stuart.
Fairchild.	Witt.

Senator Burkett offered the following amendment to this department:

Amend S. B. No. 32, page 6, line 11, by striking out the figures "\$3,000.00—\$3,000.00" and insert in lieu thereof the figures "\$2,000.00—\$2,000.00."

Senator Wood moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—16.

Bailey.	Pollard.
Baugh.	Rice.
Bowers.	Ridgeway.
Clark.	Rogers.
Floyd.	Turner.
Holbrook.	Watts.
Lewis.	Wood.
McMillin.	Woods.

Nays—8.

Burkett.	Murphy.
Cousins.	Parr.
Darwin.	Strong.
Doyle.	Wirtz.

Absent.

Bledsoe.	Thomas.
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Absent—Excused.

Davis.	Stuart.
Fairchild.	Witt.

Senator Burkett offered the following amendment to this department:

Amend S. B. No. 32, page 6, lines 19 and 20, by striking out the figures "\$6,000.00—\$6,000.00" in each column in each line, and insert the figures "\$4,000.00—\$4,000.00" in each column in each line.

On motion of Senator Wood, the amendment was tabled.

Senator Burkett offered the following amendment to this department:

Amend S. B. No. 32, page 6, line 21, by striking out the figures "\$500.00—\$500.00" and insert the figures "\$250.00—\$250.00."

On motion of Senator Wood, the amendment was tabled.

Senator Burkett offered the following amendment to this department:

Amend S. B. No. 32, page 6, line 24, by striking out the figures "\$5,500.00—\$5,500.00" and insert in lieu thereof the figures "\$3,000.00—\$3,000.00."

On motion of Senator Wood, the amendment was tabled.

Senator Burkett offered the following amendment to this department:

Amend S. B. No. 32, page 6, line 23, by striking out the figures "\$27,000.00—\$27,000.00" and insert in lieu thereof the figures "\$18,000.00—\$18,000.00."

On motion of Senator Wood, the amendment was tabled.

The Adjutant General's Department was then passed.

(Senator Bledsoe in the Chair.)

The Department of the State Board of Control was read.

Senator Bailey offered the following amendment to this department:

Amend the bill by adding in line 26, page 9, of the printed bill after the words "shrubbery, flowers and trees" the words "and for labor and material in planting, caring for and preserving the same."

The amendment was adopted.

Senator Wirtz offered the following amendment to this department:

Amend S. B. No. 32, page 10, line 6, by striking out the figures "\$500.00" each year and in lieu thereof add "\$800.00" each year.

And by striking out lines 10, 11, 12 and 13, page 10, and in lieu thereof add:

"10. For bandstand, \$1,000.00 the first year.

"11. Water rents, \$150.00 each year.

"12. Walks and repairs of walks and paving three cross-streets through park, \$1,000.00 the first year, \$1,500.00 the second year.

"13. Miscellaneous items, \$300.00 each year."

The amendment was adopted.

Senator Murphy offered the following amendment to this department.

Amend S. B. No. 32, page 10, by inserting between lines 26 and 27, the following:

"Two miles of road in San Jacinto to Battle Field of San Jacinto Park, to be constructed under the orders of the Board of Control, for the year 1924, \$30,000.00."

Senator Floyd offered the following amendment to the amendment:

Amend the amendment by striking out the figures "\$30,000.00" and insert in lieu thereof the figures "\$50,000.00."

The amendment to the amendment was adopted.

Senator McMillin offered the following amendment to the amendment:

Amend the amendment by changing the figure in amendment "1924" to "1925."

On motion of Senator Clark, the amendment to the amendment was tabled.

The amendment as amended was then adopted.

Senator Darwin offered the following amendment to this department:

Amend S. B. No. 32, page 7, by inserting between lines 29 and 30, "29a," to read as follows:

"Assistant expert to repair typewriters, Carl L. Estes, \$3,000.00 the first year."

The amendment was adopted.

Senator Bowers offered the following amendment to this department:

Amend S. B. No. 32, page 10, by adding a new item, "22a," as follows:

"Monument with names of all the signers of Texas Independence, to be located on the exact spot where the Declaration of Texas Independence was signed, \$2,500.00 for year ending August 31st, 1925."

Senator Wood moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—14.

Baugh.	Ridgeway.
Bledsoe.	Rogers.
Cousins.	Strong.
Doyle.	Turner.
McMillin.	Watts.
Pollard.	Wood.
Rice.	Woods.

Nays—9.

Bowers.	Lewis.
Burkett.	Murphy.
Darwin.	Parr.
Floyd.	Wirtz.
Holbrook.	

Present—Not Voting.

Thomas.

Absent.

Bailey.	Clark.
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Absent—Excused.

Davis.	Stuart.
Fairchild.	Witt.

Senator Bowers offered the following amendment to this department:

Amend S. B. No. 32, line 22, by striking out the figures "\$1,500.00" for second year and inserting the figures "\$5,000.00."

The amendment was adopted.

The Attorney General's Department was read.

Senator Bailey offered the following amendment to this department:

Amend the bill by striking out in line 10, page 12, of the printed bill,

the figures "\$12,000.00" where they occur in each place, and inserting in lieu thereof the figures "\$15,000.00."

The amendment was adopted.

Senator Bailey offered the following amendment to this department:

Amend the bill by striking out in line 13, page 12, of the printed bill, the figures "\$5,000.00" wherever they occur in each place, and adding in lieu thereof the figures "\$15,000.00."

Senator Holbrook offered the following substitute for the amendment:

Amend line 13, page 12, of S. B. No. 32, so as to change the figures to read "\$10,000.00" instead of "\$5,000.00," wherever they appear.

Senator Clark moved to table the substitute.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—15.

Bailey.	Pollard.
Baugh.	Ridgeway.
Bledsoe.	Rogers.
Bowers.	Turner.
Clark.	Watts.
Darwin.	Wirtz.
Murphy.	Wood.
Parr.	

Nays—10.

Burkett.	Lewis.
Cousins.	McMillin.
Doyle.	Rice.
Floyd.	Strong.
Holbrook.	Woods.

Present—Not Voting.

Thomas.

Absent—Excused.

Davis.	Stuart.
Fairchild.	Witt.

The amendment by Senator Bailey was then adopted.

Senator Wood offered the following amendment to this department:

Amend S. B. No. 11, line 20, by striking out the word "Librarian" and inserting in lieu thereof "Porter and Mailing Clerk."

Page 11, by adding after the word "Porter," in line 23, the word "Assistant."

The amendment was adopted.

The Attorney General's Department was passed.

The State Treasury Department was read.

Senator Wood offered the following amendment to this department:

Amend S. B. No. 32 as follows: Insert between lines 8 and 9, page 13, a new line, line "8a. Auditor, whose duties and service shall be fixed and prescribed by the State Treasurer, \$2,750.00—\$2,750.00."

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—15.

Bailey.	Rogers.
Bowers.	Thomas.
Burkett.	Turner.
Doyle.	Watts.
Parr.	Wirtz.
Pollard.	Wood.
Rice.	Woods.
Ridgeway.	

Nays—9.

Baugh.	Lewis.
Bledsoe.	McMillin.
Darwin.	Murphy.
Floyd.	Strong.
Holbrook.	

Absent.

Clark.	Cousins.
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Absent—Excused.

Davis.	Stuart.
Fairchild.	Witt.

The Treasury Department was passed.

The Department of Education was read.

Senator Baugh offered the following amendment to this department:

Amend S. B. No. 32, page 16, by inserting "9a" as follows:

"One supervisor of music, \$2,500.00 each year."

BAUGH.
LEWIS.
ROGERS.

Senator Clark offered the following amendment to the amendment:

Amend the amendment by adding "it shall apply to girls only."

On motion of Senator Wood, the amendment to the amendment was tabled.

Senator McMillin then moved to table the amendment by Senator Baugh.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—16.

Bailey.	McMillin.
Bowers.	Parr.
Burkett.	Rice.
Clark.	Strong.
Darwin.	Turner.
Doyle.	Watts.
Floyd.	Wirtz.
Holbrook.	Woods.

Nays—9.

Baugh.	Pollard.
Bledsoe.	Ridgeway.
Cousins.	Rogers.
Lewis.	Wood.
Murphy.	

Present—Not Voting.

Thomas.

Absent—Excused.

Davis.	Stuart.
Fairchild.	Witt.

Senator Cousins offered the following amendment to this department:

Amend S. B. No. 32, page 15, line 27, by striking out "\$3,000.00" in each column and inserting in lieu thereof "\$3,600.00."

Senator Clark moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—15.

Bailey.	Rice.
Clark.	Ridgeway.
Doyle.	Strong.
Floyd.	Turner.
Lewis.	Watts.
McMillin.	Wirtz.
Murphy.	Woods.
Pollard.	

Nays—10.

Baugh.	Darwin.
Bledsoe.	Parr.
Bowers.	Rogers.
Burkett.	Thomas.
Cousins.	Wood.

Present—Not Voting.

Holbrook.

Absent—Excused.

Davis.	Stuart.
Fairchild.	Witt.

Senator Baugh offered the following amendment to this department:

Amend S. B. No. 32, page 16, line 21, by striking out the figures "\$1,500.00" in each column and insert in lieu thereof the figures "\$2,000.00" in each column.

Senator Clark moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—9.

Burkett.	Strong.
Clark.	Thomas.
Doyle.	Wirtz.
Parr.	Woods.
Pollard.	

Nays—17.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Cousins.	Rogers.
Darwin.	Turner.
Floyd.	Watts.
Holbrook.	Wood.
Lewis.	

Absent—Excused.

Davis.	Stuart.
Fairchild.	Witt.

The amendment was then adopted.

Senator Baugh offered the following amendment to this department:

Amend S. B. No. 32, page 16, line 24, by striking out the figures "\$5,000.00" in each column and insert in lieu thereof the following figures in each column: "\$8,000.00."

The amendment was adopted.

Senator Baugh offered the following amendment to this department:

Amend S. B. No. 32, page 16, line 32, by striking out the figures "\$6,500.00" in each column and insert in lieu thereof the figures "\$7,500.00" in each column.

Senator Clark moved to table the amendment and the motion to table was lost.

Question then recurred on the amendment.

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—14.

Baugh.	Floyd.
Bledsoe.	Holbrook.
Bowers.	Murphy.
Cousins.	Parr.
Darwin.	Pollard.

Ridgeway.
Rogers.

Turner.
Watts.

Nays—11.

Burkett.	Strong.
Clark.	Thomas.
Doyle.	Wirtz.
Lewis.	Wood.
McMillin.	Woods.
Rice.	

Absent.

Bailey.

Absent—Excused.

Davis.	Stuart.
Fairchild.	Witt.

Senator Baugh offered the following amendment to this department:

Amend S. B. No. 32, page 16, line 29, by striking out the figures "\$12,500.00" each year and insert in lieu thereof the figures "\$17,500.00" each year.

Yeas and nays were demanded, and the amendment was lost by the following vote:

Yeas—10.

Baugh.	Holbrook.
Bledsoe.	Ridgeway.
Cousins.	Rogers.
Darwin.	Turner.
Floyd.	Wood.

Nays—12.

Bowers.	Murphy.
Burkett.	Parr.
Clark.	Rice.
Doyle.	Strong.
Lewis.	Wirtz.
McMillin.	Woods.

Present—Not Voting.

Thomas.

Absent.

Bailey.	Watts.
Pollard.	

Absent—Excused.

Davis.	Stuart.
Fairchild.	Witt.

Question: Shall the Department of Education be adopted?

H. B. No. 5 on Second Reading.

On motion of Senator Wood, by unanimous consent, the regular order

was suspended and the Senate took up out of its regular order,

H. B. No. 5, A bill to be entitled "An Act making appropriations to pay salaries of judges, and the support of the Judicial Department of the State Government for the two years beginning September 1, 1923, and ending August 31, 1925."

The Chair laid the bill before the Senate, it was read second time and the committee report carrying a substitute and recommending that the bill be not printed, was adopted.

H. B. No. 5 was then passed to third reading.

H. B. No. 5 on Third Reading.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days in each House was suspended and H. B. No. 5 was put upon its third reading and final passage by the following vote:

Yeas—26.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Thomas.
Doyle.	Turner.
Floyd.	Watts.
Holbrook.	Wirtz.
Lewis.	Wood.
McMillin.	Woods.

Absent—Excused.

Davis.	Stuart.
Fairchild.	Witt.

The Chair then laid H. B. No. 5 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—26.

Bailey.	Holbrook.
Baugh.	Lewis.
Bledsoe.	McMillin.
Bowers.	Murphy.
Burkett.	Parr.
Clark.	Pollard.
Cousins.	Rice.
Darwin.	Ridgeway.
Doyle.	Rogers.
Floyd.	Strong.

Thomas.
Turner.
Watts.

Wirtz.
Wood.
Woods.

Absent—Excused.

Davis.
Fairchild.

Stuart.
Witt.

Simple Resolution No. 21.

By Senator Clark:

Whereas, John A. Hulen, a life-long citizen of Texas, has served from his youth in the National Guard of Texas, during the Spanish War as Lieutenant Colonel of the First Texas Cavalry, U. S. V., and later in the Thirty-third Infantry, U. S. V., as captain in the Philippines where he distinguished himself in action and particularly in connection with the rescue of Lieutenant Gilmore, and upon his return home served under the Lanham administration as Adjutant General, and in 1916-17 commanded the Texas Infantry Brigade on the Mexican border, and in 1917 organized the National Guard units that constituted the Texas quarter of the Thirty-sixth Infantry Division, and commanded during the period of training in Camp Bowie and combat in France, the Seventy-second Infantry Brigade of the Thirty-sixth Division, and for conspicuous gallantry on the field of action was awarded the Distinguished Service Medal by our Government and now is a major general, commanding the present Thirty-sixth Infantry Division, T. N. G.; and,

Whereas, The Senate is now informed that citizens of Texas who served with General Hulen in the National Guard during the Spanish War, in the Philippines, on the Mexican border and in the World War, desire to present a life-sized painting of this distinguished Texan to the State of Texas, to be hung in the Senate Chamber of Texas; therefore, be it

Resolved, By the Senate, that the painting of Major General John A. Hulen be accepted when presented, and that the Board of Control be, and is hereby directed, to hang said painting in a suitable place in the Senate Chamber.

The resolution was read and adopted.

Bills Signed.

The Chair (Lieutenant Governor T. W. Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following resolutions:

H. C. R. No. 4.

S. C. R. No. 12.

S. C. R. No. 10.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, May 1, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 6, Inviting Mrs. Rebecca J. Fisher to address a joint session of the House and Senate.

Respectfully submitted,

C. L. PHINNEY,

Chief Clerk, House of Representatives.

Recess.

On motion of Senator Floyd, the Senate at 5:40 p. m. recessed until 9:30 a. m. tomorrow.

APPENDIX.**Petitions and Memorials.**

Lieutenant Governor T. W. Davidson submitted a petition from Gravity Local No. 1944, F. L. U., urging the enactment of measures taxing crude oil, incomes and intangible assets. Governor Davidson stated that the petition was one of hundreds of like character, all of which had been summarized in an attached letter, which, by the consent of the Senate, was ordered printed in the Journal, as follows:

Austin, Texas, April 30, 1923.
Hon. T. W. Davidson, President, and Members of the Senate, Senate Chamber, Austin, Texas.

My Dear Sir:

I beg leave to submit herewith additional petitions, signed by approximately ten thousand farmers, as a supplement to the former petitions, from approximately thirty thousand farmers, filed with you last

week, urging that a gross receipt tax of at least three per cent be levied on crude oil.

The farmer is the economic salt of the earth; he hath given his body as a living contribution to society; he bestoweth all his good to feed the world. He suffereth long and is kind; he envieth not, and is not puffed up. He is not easily provoked, thinketh no evil, rejoiceth not in iniquity, but loveth the truth; beareth all things, believeth all things, hopeth all things, endureth all things, never faileth, and has never before sought his own. He asketh for but little at your hands; namely: relief from a burdensome ad valorem taxation, adequate schools to educate his children and an opportunity for an agricultural livelihood.

As an instructed representative of the Farm Labor Union of America, and in the interest of the public schools of Texas and the rural children, and in behalf of the principle of just taxation and better agriculture, I beg of your Honorable Body to concur in House Bill No. 1, providing for a three per cent tax on gross crude oil production, and vote for the following bills:

House Bill No. 10, Inheritance Tax.

House Bill No. 15, Tax on intangible property.

House Bill No. 26, Income tax, and House Bill No. 88, Consolidating the Markets and Warehouse Department with the Department of Agriculture, and to vote against House Bill No. 12, the so-called tax equalization bill and for the repeal of the law appropriating \$600,000.00 for a survey of the State water courses.

Please cause this letter to be read in open session of the Senate and printed in the Senate Journal.

Yours very truly,

R. L. ROBINSON,

Legislative Committee, Farm Labor Union of America.

Senator Strong offered and had read a letter from S. L. Wilson, county superintendent of Gregg County schools, with attached petition, numerous signed by Gregg County citizens, urging the passage of revenue measures sufficient to provide adequately for the schools of the State.

Committee Reports.

Senate Chamber,

Austin, Texas, May 1, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 36 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Committee Room,

Austin, Texas, May 1, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 11, A bill to be entitled "An Act to provide a more efficient method for the collection of delinquent taxes on land, providing compensation for the county attorney and other officials for service rendered in collecting such taxes; further providing for the employment of a special attorney to assist in collecting such taxes; amending Section 1, of Chapter 147, of the Acts of the Regular Session of the Thirty-fourth Legislature as amended by Section 1, of Chapter 64, of the General Laws passed at the Second Called Session of the Thirty-sixth Legislature, amending Section 2, of Chapter 147, of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-fourth Legislature amending Article 7688, 7689, 7691, 7692, 7696, 7699, repealing Article 7687 of the Revised Civil Statutes of the State of Texas of 1911, and Section 3, Chapter 147, of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-fourth Legislature, as amended by Section 2, Chapter 64, of the General Laws of the State of Texas, passed by the Second Called Session of the Thirty-sixth Legislature, adding to Chapter 13 of Title 126, of the Revised Statutes of Texas of 1911, a new article to be known as Article 7689a, limiting the defenses that may be urged in defense of a suit for delinquent taxes, repealing all laws in conflict with the provisions of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the following amendment:

Amend H. B. No. 11, Section 2,

by adding after line 40, page 3, the following:

"For checking up and taking off delinquencies, separating and assorting various tracts of each assessment, pro rating the taxes thereon, arranging the items by abstract numbers or lot and block numbers, and compiling the delinquent tax records herein required to be compiled whenever there shall be as many as two years of delinquencies which has not been compiled, the tax collector shall be paid out of the general fund of the county, five cents for each written line of the original of such delinquent record, not to exceed 25c for any one block or abstract assessed, returned delinquent and owned by one tax payer. Such fee to be taxed as costs and be paid back into the general fund of the county when collected.

"For issuing notices to tax payers, furnishing copies to the county, district or delinquent tax attorneys, issuing statements in regard to particular tracts of land required by this Act preparing and issuing cancellations, calculating and preparing redemption certificates and receipts, reporting and crediting redemptions, posting Comptroller's redemption numbers on the delinquent record, mailing certificates of redemption to tax payers after approval by the Comptroller, the tax collector shall receive five per cent of all delinquent taxes collected by him which together with the compensation for compiling the delinquent record shall be accounted for as other fees of office."

RIDGEWAY, Vice-Chairman.

TWELFTH DAY.

(Continued)

Wednesday, May 2, 1923.

The Senate met at 9:30 a. m., and was called to order by Lieutenant Governor T. W. Davidson.

H. B. No. 4—Made Special Order.

On motion of Senator Woods, H. B. No. 4, relating to quo warranto proceedings for removal of officers, was made a special order for Thursday morning, following call for "Bills and Resolutions."